

January 10, 2011  
Job No. 2722.02

Mr. Joseph Horwedel  
Director of Planning, Building and Code Enforcement  
City of San Jose  
200 E. Santa Clara Street  
San Jose, CA 95113

Re: Envision San Jose 2040  
Request for Alternative Envision San Jose 2040 Land Use Designation  
Preferred Land Use Scenario  
Task Force Land Use Designation for the Lands of Duino Family (APNs 649-23-001,  
649-24-013)

Dear Mr. Horwedel:

We are formally requesting that the City of San Jose Envision San Jose 2040 Task Force (Envision 2040) effort reconsider the current proposed Land Use Designation of Private Recreation on our property referenced above. We are respectfully requesting a re-designation to Mixed Use Neighborhood – Urban Village with an Urban Village Overlay (Neighborhood Village). Our intent is to request that an appropriate Land Use Designation be placed upon the site (our property) that allows for the timely preparation of a Neighborhood Village Plan process to occur. The current DRAFT (Rev. 4) Land Use Designations that would allow for an appropriately scaled (density) and planned community (Village Plan) would appear to be Mixed Use Neighborhood – Urban Village designation. The Urban Village Overlay designation would allow a Neighborhood Village Plan to occur during the current Plan Horizon.

#### Background – The Property

Our site has a long history of being an underutilized asset for not just the family, but the community and City as well. We actively participated in the Evergreen – East Hills Development Policy Update (EEHDP). At that time, staff and the District 8 community saw the

potential of the site being more than just private open space. The EEHDP effort highlighted the potential for a more efficient use of limited, vacant "opportunity sites" throughout the area. It was obvious then, as it is now, that private recreation or open space is NOT an efficient use of the City's limited land resources.

#### Background – Envision 2040

We have not been made aware of, notified, or invited to participate in any discussion by the City related to our property in over a year. During that time, the City staff and Envision 2040 process has proceeded to initially identify our site as a "Planned Growth Area". Review of the City's Envision 2040 website reveals that for many months after identifying our property as a Planned Growth Area, the staff and Envision 2040 effort continued to consider our site for growth opportunities and jobs. In fact, staff's presentation to the City Council (04/20/2010) of the Task Force's efforts up to and including the Preferred Scenario selection included several documents depicting our site as a "Planned Growth Area" and a potential "Jobs Only" or "Mixed Use Neighborhood" site for development to occur. (See website for Staff's program information.)

It is obvious from reviewing the publicly available data, as well as the Envision 2040 website, that staff identified and believed that our site had development potential to contribute productively to the goals and objectives of the General Plan Update buildout. Sometime between March 22, 2010 and April 12, 2010, staff determined, without any public process or information, that Private Recreation/Open Space was the most appropriate proposed Land Use Designation for the site. We strongly disagree. Staff unilaterally determined that any and all development, reuse, intensification, or use of our site was not appropriate. No explanation is provided to the public record or to us as to how or why staff radically changed their recommendation.

Envision 2040 – Planning Ahead – Not Repeating History

Review of the Envision 2040 effort reveals an acknowledgement that land is finite. The City's and Task Force effort is completely focused on growing a compact, efficient, self sustaining, viable City. That effort's basic goal is to use limited resources (land) to its utmost efficiency in a fiscally responsible manner. The notion of leaving 114 flat developable acres near public services such as parks, light rail, schools and employment centers in Evergreen, Edenvale and Downtown vacant runs counter to all of the stated goals of Land Use efficiency. Our site represents a unique opportunity for the City to meet many of the Envision 2040 guiding principals. None of the Envision 2040 goals or any tax base enhancements will be achieved by the current staff and Task Force preferred scenario proposal to leave the Land Use Designation as is. There is no "Vision", bold or otherwise, in promoting the status quo for this property.

By changing the old (and inefficient) Land Use Designation to Mixed Use Neighborhood – Urban Village with an Urban Village Overlay (Neighborhood Village) ***all opportunity won't be lost to poor planning – and a lack of bold vision.***

The immense size of the subject property lends itself to an outstanding opportunity to plan and implement an urban village that can generate a variety of business uses that are economically viable. The ability to plan such a large parcel enables a master developer the ability to create the natural synergies between businesses that create an economic vitality within the local community. Such economically viable businesses could include not only retail and commercial businesses that serve the local community, but also medical care facilities from urgent care outpatient services to long term care. The development of the private educational centers that

are focused on serving the local community from day care development to serving special needs students are current uses in demand. By designing these services and others around a "walk able" village concept, a true sense of community within the suburban environment can be achieved.

The multitude of jobs that are created within an urban village can create a new economic base within the Evergreen Community. Currently built out as a suburban bedroom community, the Evergreen Community has only pockets of industrial lands than can contribute to the infrastructure. A master planned urban village in the Evergreen area could offer an alternative source of jobs outside of the traditional R&D Office, traditional strip mall or regional mall shopping center that imports traffic and congestion and takes away from a sense of community.

The ability to house some of the new workers within its own community creates a built-in demand for the higher density housing characteristic of the urban village. In turn, this engenders fewer trip counts and perhaps a tendency to rely more on mass transit. The Duino Family lands are within a short distance of the Capitol Expressway light rail line. A short connector route fuses the urban village on this property to mass transit within the City of San Jose and eventually to BART.

In reviewing Staff's reasons for recommendation for Scenario 6, it is apparent that the enhanced opportunities for economic development were not carefully considered in the designation of the Duino Family Lands. Rather, the potential for the property to place an emphasis on job growth over housing that has ready access to the evolving mass transit infrastructure should make this land mass a high priority in achieving some of the goals and policies articulated through the Task Force. It is my hope that this letter communicates the "market ready" character of the

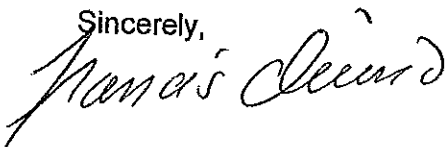
subject property to be considered not only under the "Village" concept, but also in Priority 1 of the Preferred Land Use Scenario.

We are aware that the City staff has developed a "process" to accept "Alternative" Land Use Designation requests. However, no outreach was made to us (our family) as to the activities of the staff or Task Force over the last year. Additionally, no information was ever presented to us regarding the "Alternative" request processing or timing.

We are also aware that the release of the Draft EIR has been delayed from December 17, 2010 until some time in February 2011. As the City has delayed the entire process for approximately 2 months, our request to be consulted and reconsidered should pose no additional delay or hardship to the process. We are aware that our request is not trivial or without effort to adjust/prepare the necessary supporting documents. We are prepared to fully engage the necessary team to assist our family and the City in its efforts to develop a General Plan vision that includes our property.

We are respectfully requesting that our property be formally reconsidered for a Mixed Use Neighborhood – Urban Village Designation with an Urban Village Overlay (Neighborhood Village) and that the site be prioritized for development consideration. We also request that a meeting between the City staff and myself and our representatives be held as soon as reasonably possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Francis Decard".

CC: Councilmember Rose Herrera – District 8

